

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA

v.

JOSE MORALES et al.

CRIMINAL ACTION

05-10115-JLT

**JOINT STATUS REPORT**

Pursuant to Local Rule 116.5(A), the United States respectfully submits this status report in connection with the initial status conference scheduled for September 28, 2005.

**1. Local Rule 116.3 Timing Requirements**

At the time of defendant's preliminary hearings in this case in April 2005, the government disclosed to defense counsel the wiretap evidence in this case, including the wiretap affidavits and more than 6,000 recorded phone calls, the majority of which are in Spanish. On June 14, 2005, the government provided more particularized wiretap discovery. On July 12, 2005, the court held an initial status conference. Given the number of the intercepted calls, defense counsel will request additional time to review this discovery. The government did not oppose this request.

Two defense counsel have submitted letters for additional discovery. The government anticipates complying with these requests in their entirety. The government will notify the court if an agreement cannot be reached or if the government will be invoking the declination procedure of LR 116.6(A).

**2. Expert Testimony**

At trial on the pending indictment, the government anticipates that it will present the testimony of one or more forensic chemists regarding the content of controlled substances seized during this case. The government may also present non-expert opinion testimony and expert opinion testimony pursuant to Fed. R. Evid. 701 and 703 by law enforcement agents regarding the content and meaning of the intercepted phone calls.

9/28/05  
N. Russo

3. Additional Discovery

The government has some additional DEA and local police reports to disclose defendants and will do so by next week. If any additional documentation/information is obtained, the government will provide such information to defense counsel.

4. Motion Date

The government anticipates that defense counsel will not be seeking a deadline for the filing of pretrial motions in this case.

*Defense counsel request an order that their deadline be extended to the same date as PER3 other!!*

5. Speedy Trial Calculations

Based on the complex nature of the case and undersigned conversation with several defense counsel in this matter, the court should exclude from the STA calculations the time from today's status conference until the court's next scheduled status hearing. The government submits that the days have run under the 70 day clock.

6. Anticipated Length of Trial

Given the number of co-defendants in this case, it is too early to determine whether a trial is required in this matter and the anticipated length of any such trial. At this point, the government anticipates that as many as ten defendant may proceed to trial. Such a trial would take approximately six weeks.

7. Final Status Conference

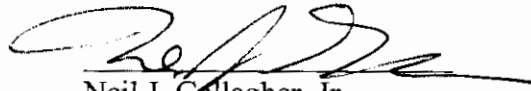
The government submits that a Final Status Conference should be scheduled.

Respectfully submitted,

MICHAEL J. SULLIVAN

United States Attorney

By:

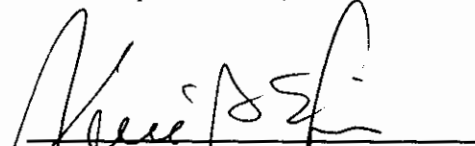


Neil J. Gallagher, Jr.

Lisa Asiaf

Assistant U.S. Attorneys

Date: September 28, 2005

  
Counsel for JOSE MORALES  
JOSE A. ESPINOSA

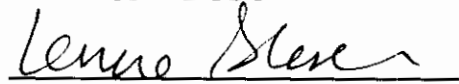
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Counsel for LUIS MORALES

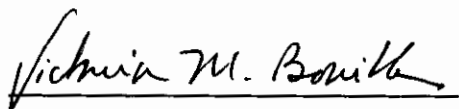
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Counsel for JOSE LUIS  
FIGUEROA-RAMOS  
RAYMOND BUSO

\_\_\_\_\_  
Date

  
Counsel for DIXON PEREZ  
LENORE GLASER

9/28/05  
Date



9/28/05

Counsel for JOSE NICHOLSON  
VICTORIA M. BONILLA-ARGUDO

Date

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Counsel for ROBERT MEDEIROS  
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Catherine K. Byrne

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Counsel for HERMAN MELO JR.  
CATHERINE K. BYRNE

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Counsel for BRIAN P. KEENAN  
E. PETER PARKER (for Atty

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PHILIP J. COPPOLA


Date

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Counsel for WILBERTO BATISTA  
J. THOMAS KERNER

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Counsel for JOSE ORTIZ-PEREZ

9/28/05  
Date